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Letter dated 6 February 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Viet Nam, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-24609 (E) 290402

Annex

Note verbale dated 5 February 2002 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Counter-Terrorism Committee of the United Nations Security Council and has the honour to submit the report of Viet Nam to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001 (see enclosure).

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations avails itself of this opportunity to renew to the Counter-Terrorism Committee the assurances of its the highest consideration.

Enclosure

Report of Viet Nam to the Counter-Terrorism Committee pursuant to United Nations Security Council resolution 1373 (2001)

I. INTRODUCTION

Viet Nam's consistent policy is to strongly condemn all terrorist acts as they cause sufferings and deaths to civilians and holds that the perpetrators of terrorist acts must be brought to justice. International community should work together in the fight against terrorism, while ensuring peace and stability in the world.

Viet Nam supports efforts to eliminate terrorism from the life of mankind. It is of the view that counter-terrorism measures must comply with the United Nations Charter, respect the fundamental principles of international law and sovereignty of States, and avoid complicating international relations and causing loss of life and property to innocent civilians.

Viet Nam was therefore deeply moved and shocked by the tragic event of 11 September 2001 resulting in great loss of lives and properties for the American people, and again condemned vehemently all terrorist acts in the world and expressed its preparedness to cooperate with other governments and peoples to combat such acts.

Resolution 1373 (2001), unanimously adopted by UN Security Council on 28 September 2001, sets forth a series of measures to promote international cooperation against terrorism. Viet Nam supports the United Nations in its efforts for peace, security and development, and for enhancing international cooperation to combat terrorism, in accordance with the United Nations Charter and international law.

As requested by the Counter-Terrorism Committee of the United Nations Security Council, Viet Nam has timely informed the United Nations of its contact points on issues relating to Resolution 1373 (2001). In order to produce this report, an inter-ministerial coordination mechanism has been established which includes Ministries and Agencies concerned, such as : Ministry of Foreign Affairs, Ministry of Public Security, Ministry of Defence, Ministry of Justice, State Bank, General Department of Customs, Civil Aviation Administration, Supreme Court, Supreme Procuracy, etc. The Ministry of Foreign Affairs has been designated as the focal point.

II. IMPLEMENTATION

Operative paragraph 1

Sub-paragraph (a) - What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1(b) to (d)?

Vietnamese legislation prohibits illegal incomes, financial transactions, including the financing of terrorist acts, regarding them as criminal offences.

Viet Nam's Penal Code and many other laws, including Anti-Drug Law, provide for the disposal of funds and assets generated by illegal acts, including confiscation. The Penal Code also establishes as criminal offences, with due penalties, any behaviour to legalise money and properties generated by criminal act (Art 251), to

conceal and dispose property generated by others' criminal act (Art 250), to counterfeit money, cheque, or other valuable papers (Art 180,181).

Banking laws and regulations contain strict provisions to ensure the legality of financial transactions and subjects involved. Monitoring compliance with those provisions has been further strengthened in the fight against terrorism.

Recently, Viet Nam has supported countries in checking the banks in search of accounts and funds that may possibly belong to the terrorists. So far, no such bank accounts and funds have been discovered in Vietnam.

Sub-paragraphs (b), (c) and (d) - Offences and penalties for financing, directly or indirectly, terrorist acts. Provisions for freezing accounts. Measures taken to prohibit individuals, organisations on its territory to raise funds and finance terrorist acts.

Vietnam's legislation and regulation strictly prohibit all acts related to terrorism and contain strict, adequate provisions to prevent and suppress the criminals, accomplices and facilitators of such acts.

Vietnam's Penal Code establishes offences and penalties applicable to various criminal acts, including terrorism and other offences related to terrorism. Thus, under the Code, raising funds to finance terrorist acts, directly or indirectly, is illegal and constitutes a serious crime, involving aggravating elements (such as those characterised as organised, professional criminal acts, causing great loss of lives and properties...).

As already mentioned in sub-paragraph (a), banking laws and regulations ensure the legality of fund-raising activities and financial transactions, and provide for mechanisms of inspection and auditing in accordance with the law. As provided for the case of a criminal offence, the Courts, the Procurators and the Police are among the competent bodies for a decision to freeze accounts and assets used for terrorist acts.

Operative paragraph 2

Sub-paragraph (a) - What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country to prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Vietnam's legislation strictly prohibits the recruitment and the supply of weapons and other assistance to terrorists. Violent acts that cause great damages to human life and properties, acts that impair pubic order, national security, organised crimes... constitute grave criminal offences, and are strictly prohibited and subjected to severe penalties.

Vietnam's legislation contains strict provisions on the control of weapons, ammunitions, explosives, radioactive and toxic materials... Many legal documents have been enacted to govern each respective area, such as the Ordinance on radiation safety and control, or regimes to control weapons, ammunitions, toxic substances.... Only a limited number people and organisations are entitled to manage and possess such means, and their use are stipulated under strict conditions and rules, as provided for by the law.

The Penal Code specifies as criminal offences, and subjects them to severe penalties, the illicit manufacture, stockpile, transportation, trafficking or seizure of military weapons and equipment (Art. 230); illicit manufacture, stockpile, transportation, trafficking or seizure of explosives (Art. 232); illicit manufacture, stockpile, transportation, trafficking or seizure of rudimentary weapons and supportive tools (Art. 233); violations of rules in the management of weapons, explosives and supportive tools (Art. 234); negligence in the management of weapons, explosives and supportive tools, that causes serious consequences (Art 235); illicit manufacture, stockpile, transportation, use, trafficking or seizure of radioactive materials (Art. 236); violations of rules of managing radioactive materials (Art. 237); illicit manufacture, stockpile, transportation, use or trafficking of flammable and toxic materials (Art 238); violations of rules of managing flammable and toxic materials, etc.

Sub-paragraph (b) - Other measures taken to prevent terrorism acts, including early warning and exchange of information with other countries.

Viet Nam is prepared to cooperate with other countries in the efforts to combat terrorism in accordance with the United Nations Charter and international law.

Viet Nam has been and will be ready to share and exchange information with other countries, for early warning and prevention of terrorist acts.

Viet Nam is a member of INTERPOL. The cooperation and information exchange within INTERPOL, including information on criminal and terrorist activities, are conducted on regular basis.

Viet Nam is also a member of such regional organisations as ASEAN and APEC - these organisations have recently adopted documents against terrorism which call for the enhanced exchange of relevant information. The Declaration adopted at the ASEAN VII Summit on 5th November 2001 in Brunei reaffirms that ASEAN countries will, among others, enhance the exchange of information and intelligence related to terrorists and terrorist groups, their movements and fundings, as well as other information necessary to protect human life, property, and the safety of means of transportation.

Sub-paragraph (c) - What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph?

Apart from the criminalisation and prohibition of terrorist acts, Vietnam's legislation prohibits the terrorists to reside and conduct activities on Viet Nam's territory.

The Ordinance on the entry, exit and residence of foreigners in Viet Nam (28 April 2000) and the Government's Decree No. 21 (28 May 2001) provide for concrete conditions, procedures and regimes on the entry, exit and residence of foreigners in Viet Nam, including deportations. The Penal Code also establishes deportation as a penalty for criminal offences.

Vietnam urges other countries concerned, in fulfilling the common responsibility, to cooperate with Vietnam to forestall, suppress and deny harbour to Vietnamese-overseas terrorist individuals and organisations that are engaged in terrorist activities against the people and State of Vietnam.

Sub-paragraph (d) - What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens?

As referred above, Vietnam's legislation prohibits terrorist acts and provides for strict measures to prevent and suppress those crimes. Foreigners coming to Viet Nam are to comply with relevant legislation on the entry, exit and residence in Viet Nam.

The laws and measures referred to in reply to OP1 and OP2 are also applicable to prevent and suppress the operation by terrorists on Vietnam's territory. The harbouring of terrorists, or denial of information against them are established as criminal offences and the persons involved are subjected to due penalties.

Vietnam is prepared to cooperate and share information with other countries, and at the same time, calls for their cooperation to prevent and suppress the anti-Vietnam terrorists.

Sub-paragraph (e) - What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts?

Terrorism and other related offences (causing great loss of lives and property, infringement of public order and national security, organised crime, kidnapping, hijacking, illegal use of weapons...) constitute serious and especially serious criminal offences which are punishable with up to life imprisonment or death sentence.

Article 84 of the Penal Code provides for the crime of terrorism, defining the term though in somewhat narrower sense as a threat to or infringement of the human life and mentality. Other serious consequences involved are to be punished by other articles. The maximal sentence applicable under this article alone can vary from 20-year imprisonment to life sentence and capital punishment. The Penal Code and other laws of Vietnam provide for concrete criminal offences and due penalties in relation to such acts as hijacking of aircraft, sea vessels, illegal stockpiling and use of weapons, infringement of life and property, destruction of public constructions...

Sub-paragraph (f) - What procedures and mechanisms are in place to assist other states?

Viet Nam attaches great importance the cooperation and exchange of information with other countries to prevent and suppress terrorist acts and is prepared to do so.

Viet Nam is a party to 4 international instruments on terrorism, member of such organisations as INTERPOL, ASEAN, APEC..., and actively promote cooperation within these mechanisms. Vietnam has also had bilateral agreements with a number of countries in order to enhance the cooperation in many fields, including crime and terrorism prevention. Vietnam have signed agreements on legal assistance with 13 other countries; the Ministry of Public Security of Vietnam have also concluded cooperation agreements with its counterparts of many other countries.

As regards anti-Viet Nam terrorist individuals and organisations, such as Nguyen Huu Chanh, Ly Tong, Vo Van Duc..., Viet Nam urges the countries concerned not to provide harbour, but to cooperate with Viet Nam and take measures to forestall and duly punish those criminals.

Sub-paragraph (g) - Border control measures, procedures for issuance of identity papers and travel documents that help to prevent the movement of terrorists?

This can be achieved through various legislation and regulations on border control, entry and exit, issuance of passports, travel documents, as well as through the cooperation and information sharing with other countries aiming at preventing the movements of criminals and terrorists, and the forgery of documents.

The Penal Code provides for offences of illegal entry/exit (article 274), counterfeit of seals, state documents and papers (article 267), forgery or misuse of documents and passports. Apart from the Penal Code, there have been other laws such as the Ordinance on Border Guards (1997), Decree on Borders on Land (2000), Ordinance on the Maritime Police Force (1998), Ordinance and Decree on the entry, exit and residence of foreigners in Viet Nam (2000)... Vietnam has also had bilateral agreements with neighbouring countries relating to the issue of borders, including border control and cross-border movement regime.

Operative Paragraph 3

Sub-paragraphs (a), (b) and (c) - Measures taken to intensify the exchange of operational information on terrorist activities and cooperation indicated in the sub-paragraphs.

As mentioned above, Vietnam is prepared to cooperate and share information with other countries in order to prevent terrorist acts.

Vietnam has been party to various international instruments against terrorism, member of INTERPOL, ASEAN, APEC, etc., and has had bilateral agreements, including legal assistance agreements, with a number of countries. Vietnam will continue its active cooperation within those frameworks.

Sub-paragraphs (d) and (e) - Accession to international conventions against terrorism.

Vietnam has acceded to a number of international counter-terrorism instruments, namely the 1963 Tokyo Convention on Offences and Certain Acts Committed on Board Aircraft, the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft, the 1971 Montreal for the Suppression of Unlawful Acts against the Safety of Civil Aviation, and the 1988 Montreal Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.

Fully recognising the importance of the cooperation against terrorism, the Government of Vietnam has directed relevant ministries and agencies to study and recommend the policy toward the remaining 8 conventions against terrorism.

For the time being, the relevant agencies of Vietnam are actively engaged in the study and preparation to early submit recommendations for Vietnam's accession to the International Convention for the Suppression of the Financing of Terrorism (1999).

III. CONCLUSION

The general, consistent policy of Vietnam is to strongly condemn and oppose all terrorist acts as they cause tremendous damages to the life and property of the civilians. The culprits of terrorist acts must be severely punished. All countries have

the responsibility to deny support and harbour to the terrorists and to assist and cooperate in the suppression of those who commit terrorist acts against other countries.

It is necessary to intensify the international cooperation against terrorism in accordance with the United Nations Charter and the fundamental principles of international law, coupled with measures to enhance international peace and security. Acting upon these principles, the United Nations will certainly render positive role and contributions to peace, security and development, as well as the fight against terrorism in the world.

IV. ANNEXES

Enclosed herewith are some texts of the Statements of the Spokesperson of the Ministry of Foreign Affairs of Vietnam and ASEAN Declaration on the question of terrorism.

Appendix 1

Statements by the Spokesperson of the Ministry of Foreign Affairs of Viet Nam relating to the question of terrorism

Statement by the Spokesperson of the Ministry of Foreign Affairs of Viet Nam on 12 September 2001.

"Today, 12 September 2001, President of the Socialist Republic of Viet Nam Tran Duc Luong sent condolences to the US President and people.

The government and people of Viet Nam were shocked by the tragedy that happened on the morning of 11 September 2001. We would like to convey to the government and people of the United Sates, especially the victims' families, our profound condolences. Consistently, Viet Nam protests against terrorist acts that bring deaths and sufferings to civilians."

Statement by the Spokesperson of the Ministry of Foreign Affairs of Viet Nam on 11 October 2001.

"Viet Nam strongly condemns any terrorist acts and supports efforts to eliminate terrorism from the life of mankind. Viet Nam is of the view that anti-terrorism measures must be taken in conformity with the United Nations Charter and international law.

In this spirit, Viet Nam holds that other countries should have a consistent attitude toward terrorism, not support, harbour and indulge terrorists or terrorist attempts against Viet Nam, cooperate with Viet Nam in forestalling and severely punishing those who mastermind and carry out terrorist acts against the State and people of Viet Nam inside the country as well as Vietnamese missions overseas."

Appendix 2

Declaration of the Association of Southeast Asian Nations on joint action to counter terrorism, Bandar Seri Begawan, Brunei Darussalam, 5-6 November 2001

We, the Heads of State/Government of the Association of Southeast Asian Nations (ASEAN) gathered in Bandar Seri Begawan for the Seventh ASEAN Summit,

Recalling the agreement among Heads of State/Government during the Second Informal Summit in December 1997 in Kuala Lumpur to take firm and stern measures to combat transnational crime,

Reaffirming our primary responsibility in ensuring the peaceful and progressive development of our respective countries and our region,

Deeply concerned over the formidable challenge posed by terrorism to regional and international peace and stability as well as to economic development,

Underlining the importance of strengthening regional and international cooperation in meeting the challenges confronting us,

Do hereby,

Unequivocally condemn in the strongest terms the horrifying terrorist attacks in New York City, Washington DC and Pennsylvania on 11 September 2001 and consider such acts as an attack against humanity and an assault on all of us;

Extend our deepest sympathy and condolences to the people and Government of the United States of America and the families of the victims from nations all around the world, including those of our nationals;

View acts of terrorism in all its forms and manifestations, committed wherever, whenever and by whomsoever, as a profound threat to international peace and security which require concerted action to protect and defend all peoples and the peace and security of the world;

Reject any attempt to link terrorism with any religion or race;

Believe terrorism to be a direct challenge to the attainment of peace, progress and prosperity of ASEAN and the realisation of ASEAN Vision 2020;

Commit to counter, prevent and suppress all forms of terrorist acts in accordance with the Charter of the United Nations and other international law, especially taking into account the importance of all relevant UN resolutions;

Ensure that, in observing the above, all cooperative efforts to combat terrorism at the regional level shall consider joint practical counter-terrorism measures in line with specific circumstances in the region and in each member country;

Recommit ourselves to pursue effective policies and strategies aimed at enhancing the well-being of our people, which will be our national contribution in the fight against terrorism;

Note that, towards this end, ASEAN had established a regional framework for fighting transnational crime and adopted an ASEAN Plan of Action that outlines a cohesive regional strategy to prevent, control and neutralise transnational crime;

Approve fully the initiatives of the Third ASEAN Ministers Meeting on Transnational Crime (AMMTC) held in October 2001 to focus on terrorism and deal effectively with the issue at all levels and endorse the convening of an Ad Hoc Experts Group Meeting and special sessions of the SOMTC and AMMTC that will focus on terrorism;

Warmly welcome Malaysia's offer to host the Special AMMTC on issues of terrorism in April 2002. This meeting would represent a significant step by ASEAN to the United Nations' call to enhance coordination of national, sub-regional and international efforts to strengthen a global response to this serious challenge and threat to international security;

In strengthening further ASEAN's counter-terrorism efforts, we task our Ministers concerned to follow-up on the implementation of this declaration to advance ASEAN's efforts to fight terrorism by undertaking the following additional practical measures.

1. Review and strengthen our national mechanisms to combat terrorism;

2. Call for the early signing/ratification of or accession to all relevant anti-terrorist conventions including the International Convention for the Suppression of the Financing of Terrorism;

3. Deepen cooperation among our front-line law enforcement agencies in combatting terrorism and sharing "best practices";

4. Study relevant international conventions on terrorism with the view to integrating them with ASEAN mechanisms on combating international terrorism;

5. Enhance information/intelligence exchange to facilitate the flow of information, in particular, on terrorists and terrorist organisations, their movement and funding, and any other information needed to protect lives, property and the security of all modes of travel;

6. Strengthen existing cooperation and coordination between the AMMTC and other relevant ASEAN bodies in countering, preventing and suppressing all forms of terrorists acts. Particular attention would be paid to finding ways to combat terrorist organisations, support infrastructure and funding and bringing the perpetrators to justice;

7. Develop regional capacity building programmes to enhance existing capabilities of ASEAN member countries to investigate, detect, monitor and report on terrorist acts;

8. Discuss and explore practical ideas and initiatives to increase ASEAN's role in and involvement with the international community including extra-regional partners within existing frameworks such as the ASEAN + 3, the ASEAN Dialogue Partners and the ASEAN Regional Forum (ARF), to make the fight against terrorism a truly regional and global endeavour;

9. Strengthen cooperation at bilateral, regional and international levels in combating terrorism in a comprehensive manner and affirm that at the international level the United Nations should play a major role in this regard.

We, the Leaders of ASEAN, pledge to remain seized with the matter, and call on other regions and countries to work with ASEAN in the global struggle against terrorism.

Adopted this Fifth Day of November 2001 in Bandar Seri Begawan, Brunei Darussalam.